

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN SENATE MAY 11, 2004

SENATE BILL

No. 1274

Introduced by Senator Margett

February 13, 2004

An act to amend Section 4216.4 of the Government Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1274, as amended, Margett. Public contracts: subsurface excavation.

Existing law requires an excavator to determine the exact location of subsurface installations that are in conflict with the excavation before using any power-operated or power-driven excavating or boring equipment within the approximate location of the subsurface installation, with a specified exception. The excavator is required to use hand tools to determine the location of subsurface installations, as specified.

This bill would ~~expand that provision to include all tools that are not power-operated or power-driven~~ *allow the utilization of vacuum excavation devices or power-operated or power-driven tools, provided that an express written mutual agreement exists, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4216.4 of the Government Code is amended to read:

4216.4. (a) The excavator shall determine the exact location of subsurface installations in conflict with the excavation by excavating with hand tools ~~or a vacuum excavation device~~ within the area of the approximate location of subsurface installations as determined by the field marking provided in accordance with Section 4216.3 before using any power-operated or power-driven excavating or boring equipment within the approximate location of the subsurface installation, except that power-operated or power-driven excavating or boring equipment may be used for the removal of any existing pavement if there are no subsurface installations contained in the pavement. ~~If mutually agreeable with~~ *If there is an express written mutual agreement between the operator or operators and the excavator, the excavator may utilize vacuum excavation devices, or power-operated or power-driven excavating or boring equipment within the approximate location of a subsurface installation and to any depth.*

(b) If the exact location of the subsurface installation cannot be determined by hand excavating or by using a vacuum excavation device in accordance with subdivision (a), the excavator shall request the operator to provide additional information to the excavator, to the extent that information is available to the operator, to enable the excavator to determine the exact location of the installation.

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